IN THE STATES -- Fax, Monitoring, Mail Lists, Credit Cards, AIDS

An ill-advised lobbying technique against a bill banning unsolicited facsimile messages backfired in Connecticut when the governor's fax machine was jammed for hours with unwanted messages. For 48 hours the machine in the office of Gov. William A. O'Neill's office spit out dozens of angry messages from businesses opposing the bill. The bill, HR 5396, would prohibit those businesses and others from doing exactly what they were doing -- sending fax advertisements without consent of the recipient.

At the time this occurred, the week of May 9, O'Neill had not decided whether to sign the bill. An aide to the governor pointed out that the telephonic lobbying campaign backfired because it proved how annoying unwanted fax messages can be. The governor's office shut down its machine May 12 and was unable to receive possibly important messages concerning state business. When the machine was turned on the next day, the angry lobbying letters kept coming in. "You could not have done a better job of bringing home the problem addressed in the bill that you oppose," one of the governor's aides said, in a fax message to the National Fax Users Committee, a California-based group that prompted the lobbying. The governor's office reported that no fax was received in response from California. But by May 16, Gov. O'Neill had decided to sign the bill, which is now P.A. 103. It calls for a $200 fine for sending an unwanted fax message. The fax association now has a second opportunity to do it right; a similar bill (H 1319) is awaiting the governor's signature in Maryland.

The New York Assembly on May 8 approved legislation to require companies that monitor employees' phone calls to include a beep tone on the line. Employees would also have to be notified of the monitoring (A 4639A). Telephone company employees have appeared in the State Capitol wearing buttons saying, "Don't bug me." The Senate disapproved the measure in 1989. * * * Also in New York, relatives of celebrities testified May 15 in support of amending the state's privacy law to extend the "right of publicity" to 50 years beyond the death of a famous person. The right of publicity permits a person to control commercial uses of his or her name and image, but in most states this right expires at death. Appearing before Sen. Emanuel R. Gold, the sponsor, were John Wayne's son, Billie Holiday's sister, Fred Astaire's widow, Babe Ruth's daughter, W.C. Fields' grandson, and an agent representing the estate of James Dean. Because of the concentration of advertising and publishing in New York City, a new state law would have nationwide effect.

The New York Assembly has been asked to prohibit merchants from having a credit-card customer provide address or telephone number on a credit-card sales form. Many merchants ask for this information, even after they have credit approval from the card company, and some merchants use the information to compile their own mailing and telephone sales lists. In supporting the proposal (A 7099), Attorney General Robert Abrams pointed out that this information is not necessary for the merchant (because credit-card companies guarantee payment after telephone approval) and that Visa regulations prohibit stores from doing this and American Express discourages it. MasterCard and other card issuers do not require it, contrary to what customers are led to believe. The sponsor, Assemblyman Daniel Feldman, has also introduced A 6525 to require all publishers of subscription periodicals to provide an opportunity, when a subscription or renewal is solicited, to prevent his or her name being sold or rented to mailers. Charities would have to do the same thing. So would issuers of credit or debit cards, under Feldman's proposed A 6526.

Michigan has enacted a comprehensive AIDS law that requires confidentiality of test results. PA 488, Laws of 1989. The Ohio Senate has approved a similar bill.

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